

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cr-10066

United States of America

v.

Jamie Edelkind

CLERK'S CERTIFICATE

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 7/20/05.

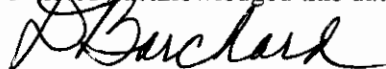
In testimony whereof, I hereunto set my hand and affix the seal of this Court on July 22, 2005.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 7/22/05


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:04-cr-10066-MEL-ALL**

Case title: USA v. Edelkind

Date Filed: 03/11/2004

Assigned to: Judge Morris E. Lasker

Defendant**Jamie Edelkind (1)***TERMINATED: 07/13/2005*represented by **Michael J. Liston**

2 Park Plaza

Suite 610

Boston, MA 02116

617-426-2281

Fax: 617-426-2448

Email: m.liston@verizon.net*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: CJA Appointment***Robert L. Sheketoff**

One McKinley Square

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617-367-3449

Fax: 617-723-1710

Email: sheketoffr@aol.com*TERMINATED: 04/20/2005**LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Retained***Pending Counts**

18:1344.F-BANK FRAUD

(1-3)

18:1344 BANK FRAUD; 18:2 Aiding
and Abetting

(1s-4s)

18:1344 BANK FRAUD

(1ss-4ss)

Disposition

The Court Hearing from Counsel on
recommendation for sentencing. The
defendant is committed to the custody
of the Bureau of Prisons to be

imprisoned for a term of 60 months, This term consists of terms of 60 months on each count, to be served concurrently. That this sentence be served concurrently with the sentence imposed in the Court of Atlanta, Georgia The defendant is remanded to the custody of the United States Marshal. Upon release from imprisonment, the defendant shall be on supervised release for a period of 3 yrs on each count, all such terms to run concurrently. The defendant shall comply with the standard conditions of supervised release, plus the special conditions of supervised release. Assentment in the amount of \$400.00 to be paid immediately, plus Restitution in the amount of \$3,298,197.45 to be paid according to a court-ordered repayment schedule. The defendant is informed of his right to appeal

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Interested Party

Aurora Loan Services

represented by **Veronica C. Viveiros**
Harmon Law Offices, P.C.
P.O.Box 610389
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617-558-0500
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Intervenor**Fairmont Funding Ltd.**

represented by **H. Elliot Wales**
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Date Filed	#	Docket Text
03/11/2004	<u>1</u>	INFORMATION (Felony) as to Jamie Edelkind (1) count(s) 1-3. (Diskes, Sheila) (Entered: 03/11/2004)
03/16/2004	2	NOTICE OF HEARING as to Jamie Edelkind Arraignment set for 3/18/2004 10:00 AM in Courtroom 8 before Morris E. Lasker. Plea set for 3/18/2004 10:00 AM in Courtroom 8 before Morris E. Lasker. (Howarth, George) (Entered: 03/16/2004)

03/18/2004	1	Electronic Clerk's Notes for proceedings held before Judge Morris E. Lasker :Arraignment as to Jamie Edelkind (1) Count 1-3 held on 3/18/2004. Defendant pled not guilty, and plea of not guilty entered. Defendant consents to transfer of case for plea and sentence in the Northern District of Georgia. Consent form filed this date and approved by the Court. Bail hearing held. Conditions of Release set (see bail papers for further details). Case to be transferred to the Northern District of Georgia pursuant to Federal Rules of Criminal Procedure, Rule 20. (Court Reporter Don Womack.) (Howarth, George) (Entered: 03/26/2004)
03/18/2004	2	Judge Morris E. Lasker : ORDER entered: ORDER Setting Conditions of Release as to Jamie Edelkind (1). Defendant released on personal recognizance and other conditions as set by the Northern District of Georgia. (Howarth, George) (Entered: 03/26/2004)
03/25/2004	3	CONSENT TO TRANSFER JURISDICTION (Rule 20) to Northern District of Georgia. [Consent to Transfer dated 3/15/04, So Ordered by the Court (Lasker, J.) on 3/25/04.] (Howarth, George) (Entered: 03/26/2004)
04/05/2004	4	Return letter regarding case sent to Clerks' Office of the Northern District of Georgia Delivered on 03/29/04 as to Jamie Edelkind.Georgia's Docket No.1-04-cr-188-ODE (Howarth, George) (Entered: 04/08/2004)
08/18/2004	5	Return of Rule 20 as to Jamie Edelkind for Failure to Plead. (Howarth, George) (Entered: 08/18/2004)
08/19/2004		NOTICE of Status Conference set for August 31, 2004 at 11:00 a.m. in Courtroom No. 8 on the 3rd floor regarding Jamie Edelkind. (Howarth, George) (Entered: 08/19/2004)
08/31/2004		ELECTRONIC Clerk's Notes for proceedings held before Judge Morris E. Lasker :Status Conference as to Jamie Edelkind held on 8/31/2004.Further status Conference set for November 1, 2004, at 2:15 p.m., which may be a plea. (Court Reporter Shelly Killian.) (Howarth, George) (Entered: 09/02/2004)
09/14/2004	6	JOINT MOTION for Excludable Delay from 03/18/04 to 11/01/04 as to Jamie Edelkind by USA, Jamie Edelkind. (Howarth, George) (Entered: 09/16/2004)
09/20/2004	7	Judge Morris E. Lasker : ELECTRONIC ORDER entered granting 6 Motion to Exclude as to Jamie Edelkind (1) (Howarth, George) (Entered: 09/21/2004)
09/22/2004		Judge Morris E. Lasker : ORDER entered ORDER ON EXCLUDABLE DELAY as to Jamie Edelkind Time excluded from 09/01/04 until 11/01/04. (Howarth, George) (Entered: 09/24/2004)
11/01/2004		ELECTRONIC Clerk's Notes for proceedings held before Judge Morris E. Lasker :Pretrial Conference as to Jamie Edelkind held on 11/1/2004. Trial Set for February 7, 2005 at 9:00 a.m..Pretrial Order to issue. (Court Reporter Marie Cloonan.) (Howarth, George) (Entered: 11/01/2004)

01/10/2005	<u>8</u>	NOTICE OF ATTORNEY APPEARANCE Kristina E. Barclay appearing for USA. (Barclay, Kristina) (Entered: 01/10/2005)
01/19/2005	<u>9</u>	SUPERSEDING INFORMATION (Felony) as to Jamie Edelkind (1) count(s) 1s-4s. (Gawlik, Cathy) (Entered: 01/21/2005)
02/01/2005		NOTICE OF JURY TRIAL as to Jamie Edelkind Jury Trial set for 2/28/2005 09:00 AM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) (Entered: 02/01/2005)
02/03/2005	<u>11</u>	MOTION for ExParte Findings. (Howarth, George) (Entered: 02/09/2005)
02/08/2005	<u>10</u>	Judge Morris E. Lasker : ORDER entered. PRETRIAL ORDER as to Jamie Edelkind Time excluded from 11/01/04 until 02/27/05. Expert Witness List due by 2/22/2005. Jury Trial set for 2/28/2005 09:00 AM in Courtroom 8 before Judge Morris E. Lasker. Pretrial Conference set for 2/24/2005 02:00 PM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) (Entered: 02/08/2005)
02/09/2005	<u>12</u>	Certificate of Service by USA as to Jamie Edelkind re [11] MOTION for ExParte Findings (Barclay, Kristina) (Entered: 02/09/2005)
02/14/2005	<u>13</u>	United State Jury Instructions as to Jamie Edelkind (Howarth, George) (Entered: 02/16/2005)
02/14/2005	<u>14</u>	TRIAL BRIEF by USA as to Jamie Edelkind (Howarth, George) (Entered: 02/16/2005)
02/14/2005	<u>15</u>	Proposed Voir Dire by USA as to Jamie Edelkind (Howarth, George) (Entered: 02/16/2005)
02/14/2005	<u>16</u>	WITNESS LIST by USA as to Jamie Edelkind (Howarth, George) (Entered: 02/16/2005)
02/14/2005	<u>17</u>	EXHIBIT LIST by USA as to Jamie Edelkind (Howarth, George) (Entered: 02/16/2005)
02/18/2005	<u>19</u>	MOTION for a 90 Day Continuance to Set new trial date as to Jamie Edelkind. (Howarth, George) (Entered: 02/23/2005)
02/22/2005	<u>18</u>	MOTION to Strike <i>Pro Se Motion for Continuance of Trial Date</i> as to Jamie Edelkindby USA. (Barclay, Kristina) (Entered: 02/22/2005)
02/23/2005		Judge Morris E. Lasker : ORDER entered granting.For reasons specified by the United States <u>18</u> Motion to Strike as to Jamie Edelkind (1); denying <u>19</u> Motion to Continue as to Jamie Edelkind (1) (Howarth, George) (Entered: 02/24/2005)
02/24/2005		Clerk's Notes for proceedings held before Judge Morris E. Lasker :Pretrial Conference as to Jamie Edelkind held on 2/24/2005 (Court Reporter Richard Romanow.) (Howarth, George) (Entered: 02/28/2005)
02/25/2005	<u>21</u>	SECOND SUPERSEDING INFORMATION (Felony) as to Jamie Edelkind (1) count(s) 1ss-4ss. (Gawlik, Cathy) (Entered: 03/02/2005)

02/28/2005	20	MOTION in Limine as to Jamie Edelkind. (Sheketoff, Robert) (Entered: 02/28/2005)
02/28/2005		Clerk's Notes for proceedings held before Judge Morris E. Lasker :Jury Trial as to Jamie Edelkind held on 2/28/2005 Court has hearing with Counsel before jury brought in. Jury Voir dire and selected and sworn. 12 Jurors plus 4 alternate jurors are sitting. Gov't's opening statements; Deft's counsel does not make opening statement at this time. Court is in recess till March 2, 2005. (Court Reporter Cheryl Dahlstrom.) (Howarth, George) Modified on 3/3/2005 (Howarth, George). (Entered: 03/02/2005)
02/28/2005		Judge Morris E. Lasker : Electronic ORDER entered granting in part and denying in part 20 Motion in Limine as to Jamie Edelkind (1) (Howarth, George) Modified on 3/3/2005 (Abaid, Kim). (Entered: 03/02/2005)
03/02/2005		Clerk's Notes for proceedings held before Judge Morris E. Lasker :Jury Trial as to Jamie Edelkind held on 3/2/2005 Criminal Jury trial day #2; Gov't's evidence; witness #1, Witness #2. Court in recess till March 3, 2005 at 9:00 a.m. (Court Reporter Cheryl Dahlstrom.) (Howarth, George) (Entered: 03/03/2005)
03/03/2005	22	WAIVER OF INDICTMENT by Jamie Edelkind (Bell, Marie) (Entered: 03/04/2005)
03/03/2005		Clerk's Notes for proceedings held before Judge Morris E. Lasker :Jury Trial Day # 3 as to Jamie Edelkind Gov't's evidence continue, witness #3, witness #4, witness #5, witness #6, witness #7, witness #8, court is in recess till March 4, 2005 at 9:00 a.m. held on 3/3/2005 (Court Reporter Cheryl Dahlstrom.) (Howarth, George) (Entered: 03/07/2005)
03/04/2005		Clerk's Notes for proceedings held before Judge Morris E. Lasker :Jury Trial Day # 4. Gov't evidence continues; witness #9; witness #10; witness #11; witness #12; as to Jamie Edelkind held on 3/4/2005. Court is recess till March 7, 2005 at 1:45 P.M. Jury dismissed for the day. Court has charging conference with counsel. (Court Reporter Carol Scott.) (Howarth, George) Modified on 3/10/2005 (Howarth, George). (Entered: 03/08/2005)
03/07/2005		Clerk's Notes for proceedings held before Judge Morris E. Lasker :Jury Trial Day #5 as to Jamie Edelkind held on 3/7/2005 Gov't's evidence continues; witness #13, witness #14, witness #15, Witness 16. Court in recess till March 8, 2005 at 9:00 a.m. (Court Reporter Cheryl Dahlstrom.) (Howarth, George) (Entered: 03/10/2005)
03/08/2005		Clerk's Notes for proceedings held before Judge Morris E. Lasker :Jury Trial # 6 as to Jamie Edelkind held on 3/8/2005. Gov't's evidence continue. video shown to jury. Gov't rest; Deft file motion the Court at sidebar for acquittal. Motion denied. Deft rest. Closing arguments. Court charges jury. Jury set to deliberate at 12:00 p.m. Jury goes to lunch. Jury has verdict at 1:30 p.m. Deft is found guilty. Jury dismissed. Exhibits returned to counsel. Disposition is set for May 24, 2005 at 2:45 p.m.. Defendant remains in custody. (Court Reporter Cheryl Dahlstrom.)

		(Howarth, George) (Entered: 03/10/2005)
03/08/2005	<u>23</u>	JURY VERDICT as to Jamie Edelkind (1) Guilty on Count 1ss-4ss. (Howarth, George) (Entered: 03/10/2005)
03/09/2005	<u>24</u>	Judge Morris E. Lasker : ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Jamie Edelkind Sentencing set for 5/25/2005 02:45 PM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) (Entered: 03/10/2005)
03/14/2005	<u>25</u>	MOTION to Set Aside Verdict as to Jamie Edelkind. (Sheketoff, Robert) (Entered: 03/14/2005)
03/14/2005	<u>26</u>	Judge Morris E. Lasker : ORDER entered. Lis Pendens as to Jamie Edelkind as to the real property and buildings located 940 Nantasket Ave. Hull Mass. (Howarth, George) (Entered: 03/15/2005)
03/15/2005	<u>27</u>	TRANSCRIPT of Jury Trial Day Five as to Jamie Edelkind held on March 7, 2005 before Judge Lasker. Court Reporter: Cheryl Dahlstrom. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/951-4555 or the Clerk's Office. (Scalfani, Deborah) (Entered: 03/15/2005)
03/18/2005	<u>28</u>	Opposition by USA as to Jamie Edelkind re <u>25</u> MOTION to Set Aside Verdict (Barclay, Kristina) (Entered: 03/18/2005)
03/21/2005	<u>29</u>	Judge Morris E. Lasker : ORDER entered. That the defendant Jamie Edelkind be, and hereby is, DETAINED pending sentencing in this action. (Howarth, George) (Entered: 03/22/2005)
03/24/2005	<u>30</u>	MOTION for Forfeiture of Property as to Jamie Edelkindby USA. (Attachments: # <u>1</u> Text of Proposed Order Preliminary Order of Forfeiture)(Barclay, Kristina) (Entered: 03/24/2005)
03/24/2005		Judge Morris E. Lasker : ORDER entered denying <u>25</u> Renewed Motion for Judgment of Acquittal as to Jamie Edelkind (1) (Howarth, George) (Entered: 03/25/2005)
04/01/2005	<u>31</u>	MOTION to Withdraw as Attorney by Sheketoff. as to Jamie Edelkind. (Sheketoff, Robert) (Entered: 04/01/2005)
04/05/2005	<u>32</u>	Opposition by USA as to Jamie Edelkind re <u>31</u> MOTION to Withdraw as Attorney by Sheketoff. (Barclay, Kristina) (Entered: 04/05/2005)
04/07/2005		NOTICE OF HEARING ON MOTION as to Jamie Edelkind Motion Hearing set for 4/12/2005 01:30 PM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) (Entered: 04/07/2005)
04/12/2005		Clerk's Notes for proceedings held before Judge Morris E. Lasker :Motion Hearing as to Jamie Edelkind held on 4/12/2005 re <u>31</u> MOTION to Withdraw as Attorney by Sheketoff. filed by Jamie Edelkind, Court hears from counsel and defendant; Court instructes the defendant is to file a financial affidavit.The motion of Atty Sheketoff is held until the financial

		affidavit is filed. (Court Reporter Pamela Owens.) (Howarth, George) (Entered: 04/12/2005)
04/13/2005	●	Judge Morris E. Lasker : ORDER entered. Granting as to Jamie Edelkind to have a atty appointed. (Howarth, George) (Entered: 04/13/2005)
04/15/2005	● <u>34</u>	Judge Marianne B. Bowler : ORDER entered. CJA 20 as to Jamie Edelkind: Appointment of Attorney Michael J. Liston for Jamie Edelkind. (Howarth, George) (Entered: 04/20/2005)
04/20/2005	●	Judge Morris E. Lasker : ORDER entered. granting Robert L. Shekatoff to withdraw as to Jamie Edelkind (Howarth, George) (Entered: 04/20/2005)
04/20/2005	●	Attorney update in case as to Jamie Edelkind. Attorney Robert L. Sheketoff terminated. (Howarth, George) (Entered: 04/20/2005)
04/20/2005	● <u>38</u>	NOTICE of Veronica C. Viveiros for Aurora Loan Service. (Howarth, George) (Entered: 05/10/2005)
04/26/2005	● <u>35</u>	Cover Letter regarding Motion as to Jamie Edelkind (Howarth, George) (Entered: 04/28/2005)
04/26/2005	● <u>36</u>	MOTION For Court Order for Library Access as to Jamie Edelkind. (Howarth, George) (Entered: 04/28/2005)
04/28/2005	● <u>37</u>	Letter from the Court regarding Reponse to Mr Edelkind's motion to the court as to Jamie Edelkind (Howarth, George) (Entered: 05/02/2005)
04/29/2005	●	NOTICE OF RESCHEDULING as to Jamie Edelkind Sentencing set for 6/20/2005 02:00 PM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) (Entered: 04/29/2005)
05/20/2005	● <u>39</u>	MOTION for Authorization of Services or Funds as to Jamie Edelkind. (Liston, Michael) (Entered: 05/20/2005)
05/20/2005	● <u>40</u>	MOTION for additional access to library computer <i>at Essex County Correctional Facility</i> as to Jamie Edelkind. (Liston, Michael) (Entered: 05/20/2005)
05/24/2005	●	Judge Morris E. Lasker : ORDER entered granting <u>39</u> Motion for Authorization of Services or Funds as to Jamie Edelkind (1) (Howarth, George) (Entered: 05/25/2005)
05/25/2005	● <u>41</u>	MEMORANDUM in Opposition by Jamie Edelkind re <u>30</u> MOTION for Forfeiture of Property (Liston, Michael) (Entered: 05/25/2005)
05/31/2005	● <u>42</u>	REPLY TO RESPONSE to Motion by USA as to Jamie Edelkind re <u>30</u> MOTION for Forfeiture of Property <i>Opposition to Motion to Dismiss Forfeiture Allegations</i> (Barclay, Kristina) (Entered: 05/31/2005)
06/01/2005	● <u>43</u>	Judge Morris E. Lasker : ORDER entered Granting <u>30</u> Motion for Forfeiture of Property as to Jamie Edelkind (1)and as to Mr. Edelkind's motion to dismiss the forfeiture allegations is Denied.For Full Text see Docket No. <u>43</u> . (Howarth, George) Modified on 6/2/2005 (Howarth,

		George). (Entered: 06/02/2005)
06/02/2005	●	Motions terminated as to Jamie Edelkind: <u>36</u> MOTION For Court Order for Library Access filed by Jamie Edelkind,. (Howarth, George) (Entered: 06/02/2005)
06/03/2005	● <u>44</u>	NOTICE of Appearance of H. Elliot Wales for Fairmont Funding Ltd. (Howarth, George) (Entered: 06/06/2005)
06/03/2005	● <u>45</u>	MOTION Petition of fairmont Funding Ltd, Asserts a legal interest in the forfeited property as to Jamie Edelkindby Fairmont Funding Ltd.. (Howarth, George) (Entered: 06/06/2005)
06/03/2005	● <u>46</u>	MEMORANDUM in Support by Fairmont Funding Ltd. as to Jamie Edelkind re <u>45</u> MOTION Asserts a legal interest int the forfeited property (Howarth, George) (Entered: 06/06/2005)
06/03/2005	● <u>47</u>	MOTION for Leave to Appear Pro Hac Vice by H. Elliot Wales as to Fairmont Funding Ltd.. (Howarth, George) Modified on 6/6/2005 (Howarth, George). This entry is to correct entry No.44. which should have been a motion for leave to Appear Pro Hac Vice. Modified on 6/6/2005 (Howarth, George). (Entered: 06/06/2005)
06/06/2005	● <u>48</u>	MOTION to Vacate <i>Preliminary Order of Forfeiture</i> as to Jamie Edelkind. (Liston, Michael) (Entered: 06/06/2005)
06/07/2005	● <u>49</u>	Judge Morris E. Lasker : ORDER entered.Preliminary Order of Forfeiture is Granted. as to Jamie Edelkind re <u>30</u> MOTION for Forfeiture of Property filed by USA, (Howarth, George) (Entered: 06/07/2005)
06/08/2005	● <u>50</u>	Second MOTION for Acquittal (<i>Second Renewed</i>) as to Jamie Edelkind. (Liston, Michael) (Entered: 06/08/2005)
06/08/2005	● <u>51</u>	MOTION Arrest of Judgment as to Jamie Edelkind. (Liston, Michael) (Entered: 06/08/2005)
06/08/2005	● <u>52</u>	MOTION to Continue to 07/08/2005 to Sentencing as to Jamie Edelkind. (Liston, Michael) (Entered: 06/08/2005)
06/09/2005	● <u>53</u>	Opposition by USA as to Jamie Edelkind re <u>52</u> MOTION to Continue to 07/08/2005 to Sentencing (Barclay, Kristina) (Entered: 06/09/2005)
06/09/2005	● <u>54</u>	Opposition by USA as to Jamie Edelkind re <u>48</u> MOTION to Vacate <i>Preliminary Order of Forfeiture</i> (Barclay, Kristina) (Entered: 06/09/2005)
06/10/2005	● <u>55</u>	FILING FEE PAID \$ 50.00 regarding Notice of out of state attorney as to Fairmont funding Ltd. (Howarth, George) (Entered: 06/13/2005)
06/13/2005	● <u>56</u>	Opposition by USA as to Jamie Edelkind re <u>50</u> Second MOTION for Acquittal (<i>Second Renewed</i>), <u>51</u> MOTION Arrest of Judgment (Levenson, Paul) (Entered: 06/13/2005)
06/14/2005	●	Clerk's Notes for proceedings held before Judge Morris E. Lasker :Status Conference as to Jamie Edelkind held on 6/14/2005. Sentencing set for

		June 20,2005 has been rescheduled till July 7, 2005 at 2:00 p.m.Due to unresolved question. (Court Reporter none.) (Howarth, George) (Entered: 06/14/2005)
06/14/2005	●	NOTICE OF RESCHEDULING as to Jamie Edelkind Sentencing set for 7/7/2005 02:00 PM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) (Entered: 06/14/2005)
06/14/2005	●	Judge Morris E. Lasker : ORDER entered denying <u>50</u> Renewed Motion for Acquittal as to Jamie Edelkind (1) (Howarth, George) (Entered: 06/15/2005)
06/14/2005	●	Judge Morris E. Lasker : ORDER entered denying <u>48</u> Motion to Vacate Preliminary Order of Forfeiture as to Jamie Edelkind (1) (Howarth, George) (Entered: 06/15/2005)
06/14/2005	●	Judge Morris E. Lasker : ORDER entered. motion denied as to deft Edelkind's second renewed motion for judgment of acquittal with respect to count four of the second superseding information as to Jamie Edelkind. Motion denied for reasons specified endorsement denied defendant's Motion for arrest of judgment and other relief. (Howarth, George) (Entered: 06/15/2005)
06/14/2005	●	Judge Morris E. Lasker : ORDER entered denying <u>51</u> Motion Motion for arrest of Judgment and motion for dismissal of second superseding information as to Jamie Edelkind (1).This motion and the companion Second renewed motion for judgment of acquittal are denied. While defendant present argument with a degree of ingenuity.I find on the basis of the government's answering memorandum. That defendant's contentions are without merit. (Howarth, George) (Entered: 06/15/2005)
06/14/2005	●	Judge Morris E. Lasker : ORDER entered finding as moot <u>52</u> Motion to Continue as to Jamie Edelkind (1). Motion denied as moot, conference has been held. (Howarth, George) (Entered: 06/15/2005)
06/22/2005	● <u>57</u>	MOTION for Hearing (<i>Evidentiary</i>) To Determine Factual Accuracy of Stipulation as to Jamie Edelkind. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> # <u>6</u> Exhibit F# <u>7</u> Exhibit G)(Liston, Michael) (Entered: 06/22/2005)
07/01/2005	● <u>58</u>	First MEMORANDUM in Opposition by USA as to Jamie Edelkind re <u>57</u> MOTION for Hearing (<i>Evidentiary</i>) To Determine Factual Accuracy of Stipulation (Attachments: # <u>1</u> Affidavit Declaration of Rick Skogg, VP Lehman Bros Bank, FSB# <u>2</u> Exhibit Skogg Declaration Exhs A&B# <u>3</u> Exhibit Skogg Declaration Exh C)(Levenson, Paul) (Entered: 07/01/2005)
07/01/2005	● <u>59</u>	Second APPENDIX by USA as to Jamie Edelkind re <u>57</u> MOTION for Hearing (<i>Evidentiary</i>) To Determine Factual Accuracy of Stipulation Exhibits D&E to Declaration of Rick Skogg (Levenson, Paul) (Entered: 07/01/2005)

07/05/2005	60	MEMORANDUM in Support by Jamie Edelkind re <u>57</u> MOTION for Hearing (<i>Evidentiary</i>) To Determine Factual Accuracy of Stipulation Sentencing Memorandum(Forced attachment to pending motion (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F)(Liston, Michael) (Entered: 07/05/2005)
07/05/2005	61	MOTION to Strike Portions of Declaration of Rick Skogg as to Jamie Edelkind. (Liston, Michael) (Entered: 07/05/2005)
07/05/2005		Clerk's Notes for proceedings held before Judge Morris E. Lasker :Telephone Conference as to Jamie Edelkind held on 7/5/2005. The Court calls counsel to inform them that the motion to continue has been denied and the sentencing will proceed on July 7, 2005 at 2:00 p.m. (Court Reporter Richard Romanow.) (Howarth, George) Modified on 7/6/2005 (Howarth, George). (Entered: 07/06/2005)
07/05/2005		Judge Morris E. Lasker : ORDER entered denying,essentially for reasons stated and facts presented in the government's opposition to the motion. The govertnment has effectively demonstrated that the stipulation entered into at trial was sound. The defendant has failed to carry his burden of demonstrating to the contrary or of establishing the necessity of a hearing in accordance with the doctrine articulated in U.S. V. McGill,11 F.3d 223,225 (1st Cir 1993). <u>57</u> Motion for Hearing as to Jamie Edelkind (1) (Howarth, George) (Entered: 07/11/2005)
07/07/2005	62	RESPONSE TO SENTENCING MEMORANDUM by USA as to Jamie Edelkind (Attachments: # <u>1</u> Exhibit Exh A Appraisal Report# <u>2</u> Exhibit Exh B Appraisal Reports)(Levenson, Paul) (Entered: 07/07/2005)
07/07/2005	63	RESPONSE TO SENTENCING MEMORANDUM by USA as to Jamie Edelkind <i>Exhibit A, Corrected</i> (Levenson, Paul) (Entered: 07/07/2005)
07/07/2005		Clerk's Notes for proceedings held before Judge Morris E. Lasker :Hearing as to Jamie Edelkind held on 7/7/2005 This hearing was so the Court could hear from counsel regarding the value of the property.Counsel for both side to file briefs with Court. The Sentencing of Mr. Edelkind was continued till July 12, 2005 at 10:00 a.m.. This (Court Reporter Nancy Eaton.) (Howarth, George) (Entered: 07/08/2005)
07/08/2005		NOTICE OF HEARING as to Jamie Edelkind Sentencing set for 7/12/2005 10:00 AM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) (Entered: 07/08/2005)
07/08/2005	64	Memorandum regarding Form of Judgment/Restitution as to Jamie Edelkind (Levenson, Paul) (Entered: 07/08/2005)
07/11/2005	65	Memorandum regarding Restitution and "Actual Loss" as to Jamie Edelkind (Liston, Michael) (Entered: 07/11/2005)
07/12/2005		Clerk's Notes for proceedings held before Judge Morris E. Lasker :Sentencing held on 7/12/2005 for Jamie Edelkind (1), Count(s) 1ss-4ss, The Court Hearing from Counsel on recommendation for sentencing.The

		defendant is committed to the custody of the Bureau of Prisons to be imprisoned for a term of 60 months. This term consists of terms of 60 months on each count, to be served concurrently. That this sentence be served concurrently with the sentence imposed in the Court of Atlanta, Georgia. The defendant is remanded to the custody of the United States Marshal. Upon release from imprisonment, the defendant shall be on supervised release for a period of 3 yrs on each count, all such terms to run concurrently. The defendant shall comply with the standard conditions of supervised release, plus the special conditions of supervised release. Assessment in the amount of \$400.00 to be paid immediately, plus Restitution in the amount of \$3,298,197.45 to be paid according to a court-ordered repayment schedule. The defendant is informed of his right to appeal. (Court Reporter Catherine Handel.) (Howarth, George) (Entered: 07/12/2005)
07/13/2005	<u>66</u>	Judge Morris E. Lasker : ORDER entered. JUDGMENT as to Jamie Edelkind (1), Count(s) 1 ss-4ss, The Court Hearing from Counsel on recommendation for sentencing. The defendant is committed to the custody of the Bureau of Prisons to be imprisoned for a term of 60 months. This term consists of terms of 60 months on each count, to be served concurrently. That this sentence be served concurrently with the sentence imposed in the Court of Atlanta, Georgia. The defendant is remanded to the custody of the United States Marshal. Upon release from imprisonment, the defendant shall be on supervised release for a period of 3 yrs on each count, all such terms to run concurrently. The defendant shall comply with the standard conditions of supervised release, plus the special conditions of supervised release. Assessment in the amount of \$400.00 to be paid immediately, plus Restitution in the amount of \$3,298,197.45 to be paid according to a court-ordered repayment schedule. The defendant is informed of his right to appeal. For full text of Judgment see docket no. <u>66</u> (Howarth, George) (Entered: 07/14/2005)
07/13/2005	<u>67</u>	Judge Morris E. Lasker : ORDER entered. STATEMENT OF REASONS as to Jamie Edelkind. For full text see docket no. <u>67</u> (Howarth, George) (Entered: 07/14/2005)
07/20/2005	<u>68</u>	NOTICE OF APPEAL by Jamie Edelkind Filing fee \$ 255. Reason fee is not required: CJA Counsel NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerk/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 8/9/2005. (Liston, Michael) (Entered: 07/20/2005)